

IN RE: PETITION FOR SPECIAL EXCEPTION
NS Dundalk Ave., 202 ft. SW of
Liberty Parkway- 3478 Liberty
Parkway (Will's Wash & Shine)
12th Election District
7th Councilmanic District
Legal Owner: Frederick Radtke
Lessee: William J. Panoni, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No. 92-228-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception seeking approval of a car wash at the subject property located at 3478 Liberty Parkway, pursuant to Section 230.13 of the Baltimore County Zoning Regulations(B.C.Z.R.). The Petition is filed by Frederick Radtke, property owner and William J. Panoni, Jr., Lessee.

Appearing at the public hearing was Mr. Panoni and his wife, Christa L. Panoni. Also appearing was James Kline of G.W. Stephens and Associates, Inc., the engineer who prepared the plat to accompany the Petition for Variance, marked as Petitioner's Exhibit No. 1. Also present was William H. Clash, the sole employee of the proposed car wash business. There were no Protestants present.

The nature of the proposed relief and wording in the Petition is somewhat misleading from what is actually proposed on site. Section 101 of the B.C.Z.R. defines car wash as "An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles." Although the proposed activity technically meets that definition, what is contemplated in this case is not a true car wash, at least, as that term is generally thought of by the general public. Rather, as Mr. Panoni observed, his operation is a small two man shop (himself and an employee) which performs car detailing on a limited volume basis. Specifically, he testified that he cleans/details

approximately three cars per day. Generally, the cars are brought to the site by Mr. Panoni or his customers, and he often arranges substitute transportation for his clients so that they may leave their vehicles with him for several hours. During that time, he hand cleans and refurbishes the outside and interior of his clients' vehicles. There is no engine work performed, nor any body or fender work. Further, there is no tunnel wash system on the site, nor the type of car wash facilities so often found at service stations. Rather, Mr. Panoni and his employee use a hose, cleaning agents and a significant amount of elbow grease to clean his clients' vehicles. Everything is done on a manual basis with no sophisticated machinery. Mr. Panoni indicated that he employs only one other person, Mr. Clash, and that it takes him approximately 2-1/2 to 3 hours to clean a single car. His services are by appointment only.

The nature of the site is also unusual. The property is a rectangularly shaped parcel located between Dundalk Avenue and Liberty Parkway in Dundalk. It is immediately adjacent to Joe's Garage, an existing service garage business. Further, Mr. Panoni's business is confined to a 20 x 40 foot structure which is attached to a 2400 sq. ft. retail building. Presently, the retail building is unoccupied. Access to Mr. Panoni's shop is by way of Liberty Parkway.

The site plan, which clearly shows the property and surrounding uses much more clearly than can be described herein, has designated the building leased by Mr. Panoni and a small area surrounding same for the special exception. The Petitioner, who leases but a small part of the entire site, desires the special exception to be limited to the area shown. The entire site, which is less than an acre in size, is zoned B.L.-C.N.S.

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It is also apparent that Mr. Panoni enjoys the widespread support of his neighbors. He produced a number of letters in support of his business. Based upon his testimony and the material provided, it is abundantly clear that this is a hard working young businessman who brings a needed service to the community and should be considered a valued member of the retail/commercial neighborhood.

As to the Petition for Special Exception, it is clear that Section 230.13 permits a car wash in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use will not be detrimental to the other uses in the vicinity. Therefore, it must be determined whether the conditions set forth in Section 502.1 of the B.C.Z.R. are satisfied by the Petitioner. Based upon the uncontradicted and evidence presented, it is clear that the proposed use will be conducted without any detriment to the neighborhood and would not adversely affect the public interest. The proposed use will not be detrimental to the health, safety or general welfare of the locale, nor tend to create congestion in the roads, streets or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. The proposed use will not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the subject zone. See Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). For all of these reasons, the Petition for Special Exception should be granted. A comment is also appropriate as it relates to Section 419 of the B.C.Z.R. This section provides additional regulation as it relates to car washes. It requires that the site plan provide certain information, that it be approved by the Office of Traffic Engineers for Baltimore County, Department of Public Works, and the Office

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of Planning and Zoning. Also, Section 419 requires that a certain number of parking spaces be shown. Although Mr. Panoni's business fits the regulatory definition of a car wash, it is clear that the legislature did not envision the proposed operation when enacting Section 419. As indicated, Mr. Panoni's use is not a tunnel wash, a self service operation, or a similar operation that meets the public's accepted definition of a car wash. This small shop, one man operation, is rather a personalized business of unique character and identity. For these reasons, and in this narrow application, I shall so find that the operation is not subject to the provisions of Section 419.

For these same reasons, many of the Zoning Plans Advisory Committee comments are not appropriate. For example, a comment from the Developers Engineering suggests landscaping on the property. However, the portion of the subject lot dedicated to the special exception is of such limited size that it cannot support any landscaping. Additionally, the special exception operation is separated from the closest residence by the balance of the tract, which contains the vacant retail store. Clearly, landscaping would be more appropriate on that portion of the site, when and if the building is ever occupied. Further, I am convinced, based on Mr. Panoni's demeanor and testimony, that he will make his best effort to insure that his portion of the site and operation will remain clean, unobtrusive and of no negative visual impact to the surrounding community. For these same reasons, the comment from the Office of Planning and Zoning regarding landscaping and signage is not appropriate. Mr. Panoni indicated that his signage is limited (a small sign on the side of the building).

A comment was also received from the Bureau of Traffic Engineering recommending elimination of access to the special exception use on the

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eastern side of the site to Dundalk Avenue. This access, in fact, does not serve Mr. Panoni's operation in that his client's vehicles can be brought into his building only from the Liberty Parkway side of the property. Thus, that comment is inapplicable as it relates to the special exception portion of the property. As to Traffic Engineering's request that the three parking spaces shown be realigned, compliance with this suggestion is infeasible. The size and configuration of the site prohibits parking from being placed elsewhere. Further, Mr. Panoni's testimony was persuasive about this issue. He indicates that his clients do not wait on site, rather that their vehicles are transported to the property and taken directly into the building for work. There appears to be no need for a sizeable waiting area or for parking other than what is shown.

Lastly, a comment was received from the Department of Environmental Protection and Resource Management (D.E.P.R.M.). I will require Mr. Panoni to comply with any requirements of that department, as it relates to the Chesapeake Bay Critical Area legislation. In fact, this site is within the defined Chesapeake Bay Critical Area. However, it is noted that Mr. Panoni testified that all waste water used in his operation exits the property through a drain in the building which ties into the public system. Further, the property is served by public utilities and all materials used in the car wash operation are biodegradable. Further, to insure continued compatibility with the subject locale, I shall order additional restrictions as to the nature and use of the operation entirely consistent with Mr. Panoni's testimony as described during the hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of March, 1993 that the Petition for Special Exception for permission to operate a car wash, pursuant to Section 230.13 of the B.C.Z.R., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated February 2, 1993, attached hereto and made a part thereof.
3. The Petitioner shall not perform any engine work, body work and/or fender work on the premises.
4. The hours of operation are limited to 7:00 A.M. to 5:00 P.M., Monday thru Friday and from 7:00 A.M. to 4:00 P.M. on Saturday.
5. This special exception is personal and restricted to the Petitioner and the business as described herein. In the event, this business is sold by the Petitioner, or the nature of the operation of the business changes, the authority granted within this Order shall be forfeited. It is the intent of this restriction to prohibit any other individual from utilizing this special exception and to restrict the special exception to the detailing operation as described herein.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn
att.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-4386

March 8, 1993

Mr. and Mrs. William J. Panoni, Jr.
2065 Shore Road
Baltimore, Maryland 21222

RE: Petition for Special Exception
Case No. 93-228-X
Will's Wash and Shine
3478 Liberty Parkway

Dear Mr. and Mrs. Panoni:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Frederick Radtke
3200 E. Lombard Street
Baltimore, Maryland 21224

244
Petition for Special Exception
93-228-X
to the Zoning Commissioner of Baltimore County
for the property located at 3478 LIBERTY PARKWAY
which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A CAR WASH PER SECTION 230.13

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.	
Legal Owner(s)	Legal Owner(s)
<u>WILLIAM J. PANONI</u> (Type or Print Name) <i>William J. Panoni Jr.</i> Signature <u>2065 SHORE RD</u> Address <u>BALTIMORE MD 21222</u> City State Zip	<u>FREDERICK RADTKE</u> (Type or Print Name) <i>Frederick Radtke</i> Signature <u>3200 E. LOMBARD ST. 522-4143</u> Address <u>BALTIMORE MD 21224</u> City State Zip Name, Address and phone number of legal owner, certified purchaser or representative to be contacted
Attorney for Petitioner (Type or Print Name) Signature Address City State Zip	Attorney for Opponent (Type or Print Name) Signature Address City State Zip
ESTIMATED LENGTH OF HEARING The following dates ALL OTHER REVIEWED BY: <i>JS</i> DATE: <u>4/7</u>	

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FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
614 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

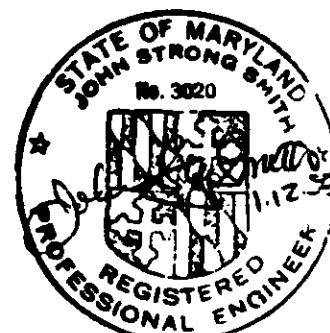
Plat to Accompany a Petition for a
Special Exception. January 12, 1993

RE: Will's Wash & Shine
3478 Liberty Parkway

Beginning at a point located on the north side of Dundalk Avenue North 86° 07' West 202'2" from the point of intersection of right-of-way lines of the south side of Liberty Parkway and the north side of Dundalk Avenue thence in a clockwise direction:

- 1 - North 86° 07' West 50 feet
 - 2 - North 40° 30' East 82 feet
 - 3 - North 16° 31' East 34 feet
 - 4 - North 49° 30' West 27 feet
 - 5 - North 40° 30' East 41 feet
 - 6 - South 49° 30' East 24 feet and
 - 7 - South 16° 31' West 135.75 feet to the place of beginning.
- Containing .10 acres of land more or less.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENTS.



93-228-X

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1274 Date of Posting: 1/12/93
Posted for: Special Exception
Petitioner: Frederick Radtke & William J. Pascoli, Jr.
Location of property: 202' SW of Liberty Parkway, 3478 Liberty Parkway
Location of Sign: Posting Liberty Parkway at Property of Radtke
Remarks: _____
Posted by: [Signature] Date of return: 1/29/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/28, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/28, 1993.

THE JEFFERSONIAN,

S. Zehe [Signature]

Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1/15/93 ACCOUNT: Re 16150
AMOUNT: \$ 300.00
RECEIVED FROM: WILL'S WASH & SHINE CO.
FOR: SPECIAL EXCEPTION FILING
OWNER: FRED RADTKE # 3478 LIBERTY PARKWAY
7TH & N SIDE DUNDALK AVE. 202' S OF LIBERTY PARKWAY
11280 CHADWICK/SMITH CO. \$300.00
PA COL-115401-15-01
VALIDATION OR SIGNATURE OF CASHIER

93-228-X

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0014150

Date:

Number:

93-228-X

1/15/93

H9300244

PUBLIC HEARING FEES

QTY PRICE

050 - SPECIAL EXCEPTION

1 X \$300.00

LAST NAME OF OWNER: RADTKE

TOTAL: \$300.00

PAID

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0016150

Number:

93-228
HD-2/16

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2-2-93

William J. Pascoli, Jr.
2065 Shore Road
Baltimore, Maryland 21222

RE: CASE NUMBER: 93-228-X (Item 244)
N/S Dundalk Avenue, 202' SW of Liberty Parkway
3478 Liberty Parkway (Will's Wash & Shine)
12th Election District - 7th Councilmanic
Legal Owner(s): Frederick Radtke
Lessee: William J. Pascoli, Jr.
HEARING: TUESDAY, FEBRUARY 16, 1993 at 2:30 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 68.75 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE SAVING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JAN. 22 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-228-X (Item 244)
N/S Dundalk Avenue, 202' SW of Liberty Parkway
3478 Liberty Parkway (Will's Wash & Shine)
12th Election District - 7th Councilmanic
Legal Owner(s): Frederick Radtke
Lessee: William J. Pascoli, Jr.
HEARING: TUESDAY, FEBRUARY 16, 1993 at 2:30 p.m. in Rm. 118, Old Courthouse.

Special Exception for a car wash.

[Signature]

Arnold Jablon
Director

cc: Frederick Radtke
William J. Pascoli, Jr.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

February 9, 1993

(410) 887-3353

Mr. Frederick Radtke
3200 E. Lombard Street
Baltimore, MD 21224

RE: Case No. 93-228-X, Item No. 244
Petitioner: Frederick Radtke, et al
Petition for Special Exception

Dear Mr. Radtke:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 15, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 29, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 1, 1993
Item No. 244

The Developers Engineering Division has reviewed the subject zoning item. This site is subject to Landscape Manual requirements. The site plan does not comply with the street and adjacent residential setback requirements of the Landscape Manual. See Sec. IX.c.2.b.2. and 3. of the Landscape Manual (page 44).

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

pk
RWB-DAR:s



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. +244 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 545-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: January 29, 1993

SUBJECT: 3478 Liberty Parkway

INFORMATION:
Item Number: 244

Petitioner: William J. Panoni, Jr.

Property Size:

Zoning: B.L.-C.N.S.

Requested Action: Special Exception

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

A site visit revealed that the Petitioner's request would be an appropriate use for the area. Apparently, the car detailing operation will be a relatively low-intensity use, and should not prove to be incompatible with the adjacent residential community.

Based upon the site visit and the information provided, staff recommends approval of the request subject to the following conditions:

- A landscape plan emphasizing enhanced treatment between the site and the adjacent residences at 3526-3530 Loganview Road should be submitted to the Deputy Director of the Planning Office.
- Due to the close proximity of the residential community of Watersedge, the existing sign treatments should be enhanced in order to be more compatible. Planning is willing to offer its assistance to that end.

Prepared by: Jeffrey W. Loo

Division Chief: Caryl Kerns

PK/JL:lw

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: January 29, 1993

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 25, 1993

ITEM NUMBER: 244

1. It is recommended that the eastern access to Dundalk Avenue be eliminated.
2. The three parking spaces fronting Liberty Parkway should be realigned.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/WKL/lvd

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 2, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #244
Radtke, 3478 Liberty Parkway
Zoning Advisory Committee Meeting of January 25, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of this property, which occurs in an Intensely Developed Area of the Chesapeake Bay Critical Area, must comply with Critical Area regulations applicable to this land use classification.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

Waste Water from the Car Washing facility must be directed to the Sanitary Sewer system in accordance with the provisions of the Baltimore County Plumbing Code.

A Waste Water Discharge Permit Application must be completed with the Division of Engineering and Regulation of the Bureau of Utilities. Contact 668-7530 for information about this application.

LP:sp

RADTKE/TXTS8P

244

H.O.

93-228-X

This is somewhat of an unusual case. The applicant by definition (S101) ^(SPX) meets the definition of a car wash. Usually this office considers "auto detailing" to be a service garage, however; detailing usually involves service garage type of work to a greater or lesser extent, therefore, the lessee was advised to apply for the car wash special exception (though this was not done by myself I do not disagree with this interpretation)

Parking: I advised the applicant that the parking provisions of Sect. 419 (see) seem to require 40 spaces for this use and I suggested a variance. The lease and engineer did not agree since S. 419.2 (which requires the 40 spaces) for car washes with labor supplied by the operator also states "if the equipment is off an assembly line nature". The point appears to be a valid one, however, I advised them that you would have to accept this argument so part of the hearing.

I informed them of the adversarial nature of the SPX and indicated that an attorney though not required (since no expansion) should not be as hesitant to have representation.

JP/KER
1/15/93

CONVERSION OF COMMERCIAL PROPERTY

Conversions of existing buildings which require only interior modification and/or includes no addition, enclosure, or physical expansion of the building or parking area, are not included within the definition of "development" as per Sec. 22-39 of the Baltimore County Development Regulations. These conversions, involving only interior work, are exempt from Division 2 as per Sec. 22-42, and therefore the CNG process or waiver is not required. These projects may be processed through the building permit process.

Conversion of existing buildings that involve a change in, or addition to the original building such as an enclosure or similar appendage and/or creation or expansion of parking area constitutes "development" under Section 22-39 of the Baltimore County Development Regulations. These projects are subject to the requirements of Division 2 of the Development Regulation including the CNG process or waiver.

This policy is based on the opinion from the Office of Law dated September 1, 1988 (attached).

24 RETURN TO J-23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Council Attorney
Through Frank C. Rober Jr., Administrative Officer

DATE: AUGUST 11, 1988

FROM: P. David Fields
Director of Planning and Zoning

AUG 24 1988

SUBJECT: Request for Legal Opinion - Conversions of Commercial Property
OFFICE OF PLANNING & ZONING

The purpose of this memo is to request the Office of Law to render an opinion on the interpretation of "development" as found in Section 22-39 of the Development Regulations. Our specific interest relates to the definition of development as it pertains to conversions of commercial property.

In recent months, this office has received several requests for conversions of abandoned service stations to convenience stores or small office buildings. In most cases, the conversions involve only facade treatment, striping of paved areas for parking, and interior alteration or modification to the building. The sign's store on York Road at Stevenson Lane is a recent example. Other projects, however, have included additional square footage by modifying the roof (change in angle or dormers), or constructing minor additions that change the footprint of the building. The Royal Farm Store at Joppa Road and Thornton Road is an example of this type of conversion. Although all work was performed under an "interior alteration" permit, the roof was raised to add square footage on a second floor (approximately 700 square feet) and a small concrete block addition was constructed to enclose a rear stairwell.

The current policy of this office is to consider expansion or exterior modification of an existing commercial building (i.e., change in building footprint and/or square footage) to constitute development as defined in the Development Regulations. A project that falls into the development category would require a CNG meeting or waiver of CNG meeting/process. A conversion that does not involve additional square footage or change in building footprint could be processed through the building permit process; a CNG or waiver would not be required.

We are requesting the Office of Law to advise this office of guidelines that should be used to determine if a project constitutes "development" as defined in Section 22-39. This input will assist us in revising or modifying our existing policy on commercial conversions.

Thank you for your cooperation in this matter.

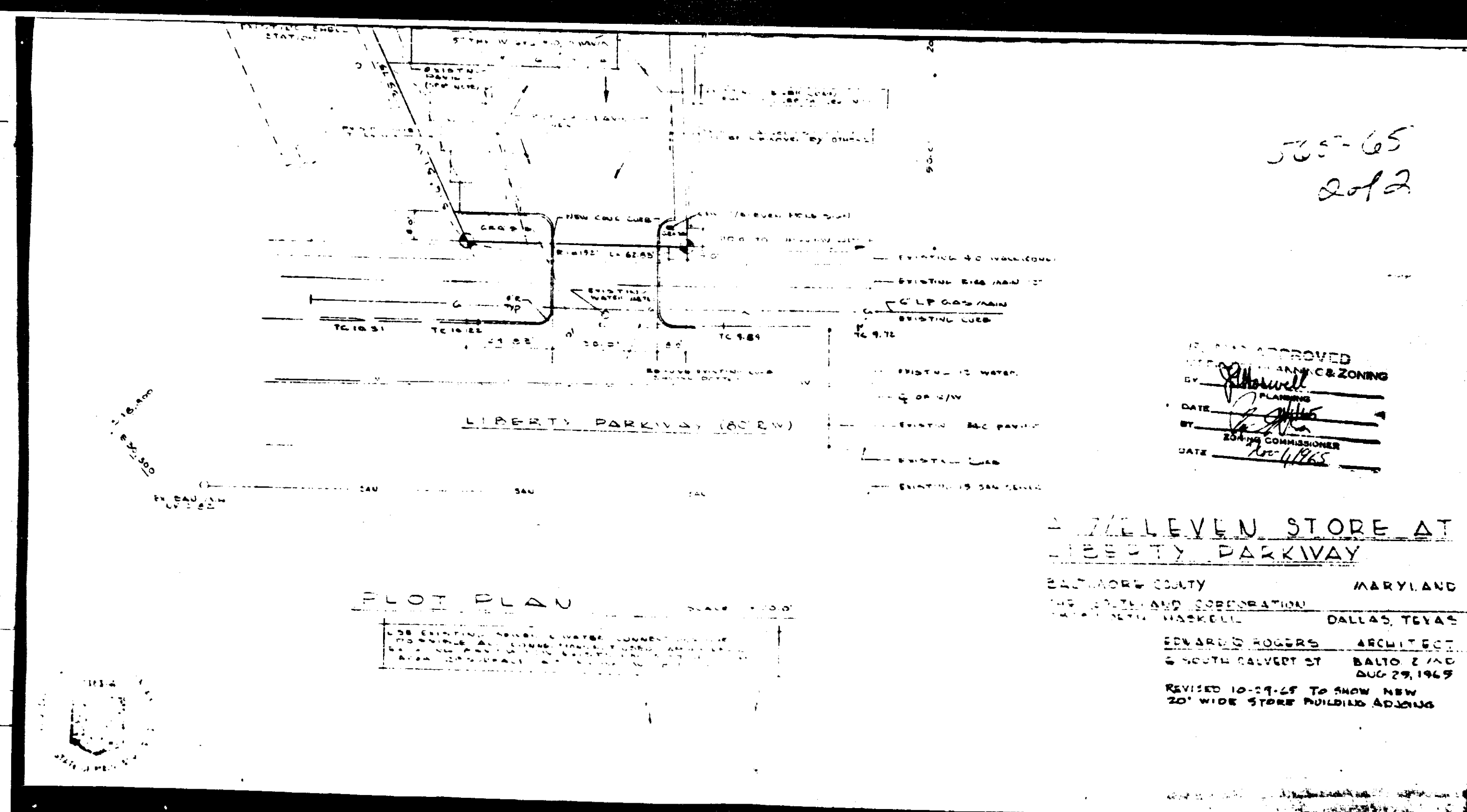
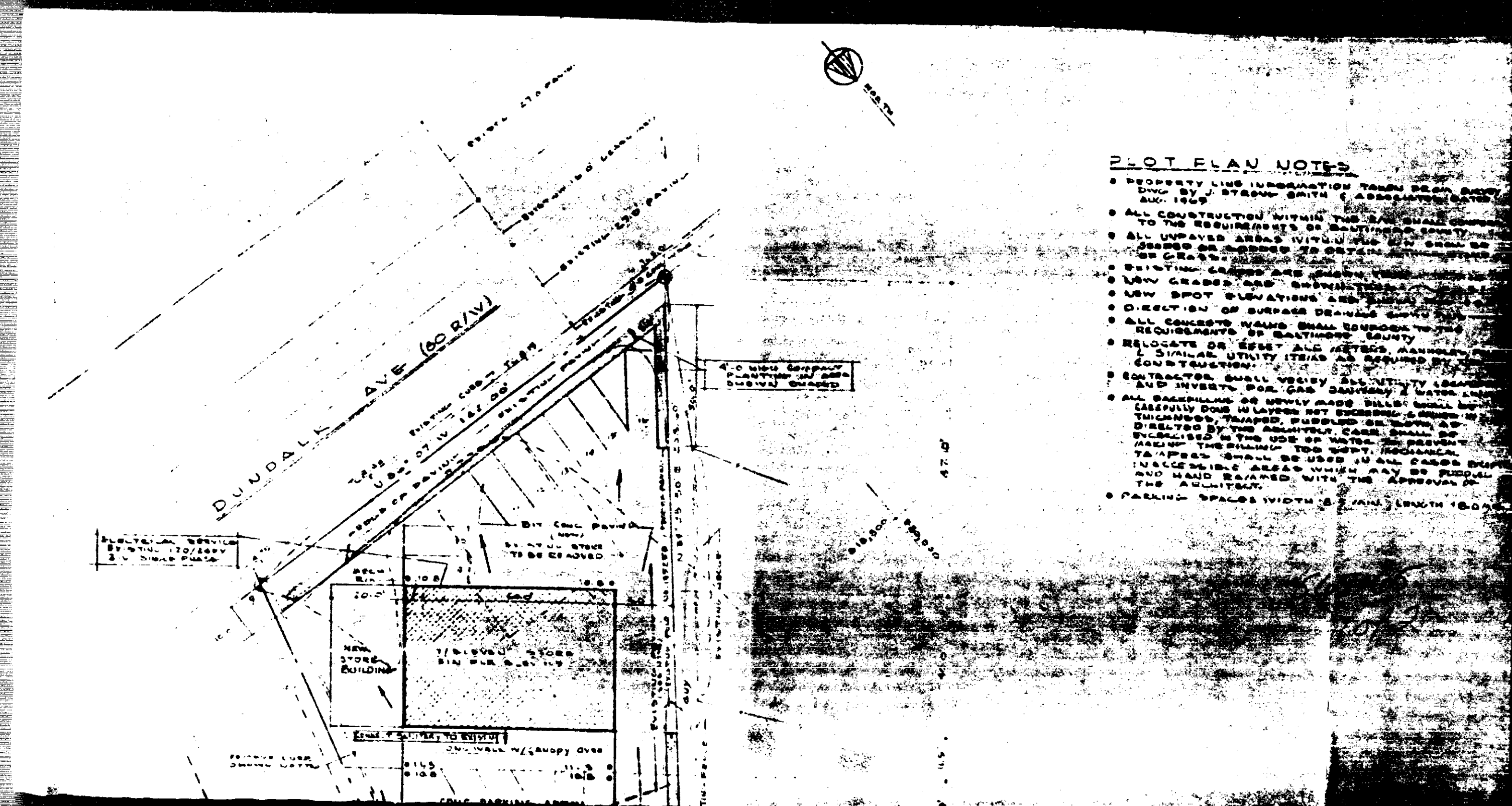
P. David Fields
Director of Planning and Zoning

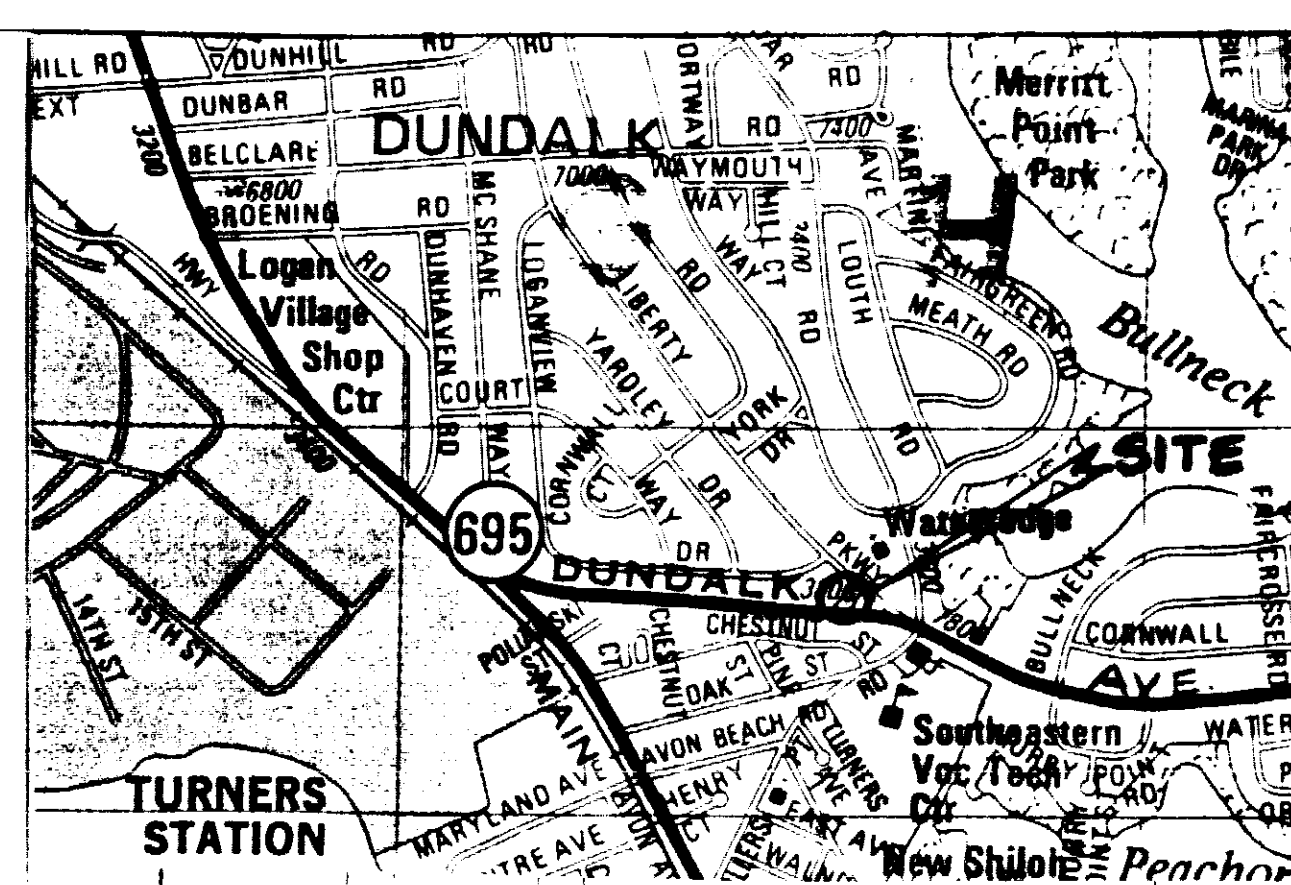
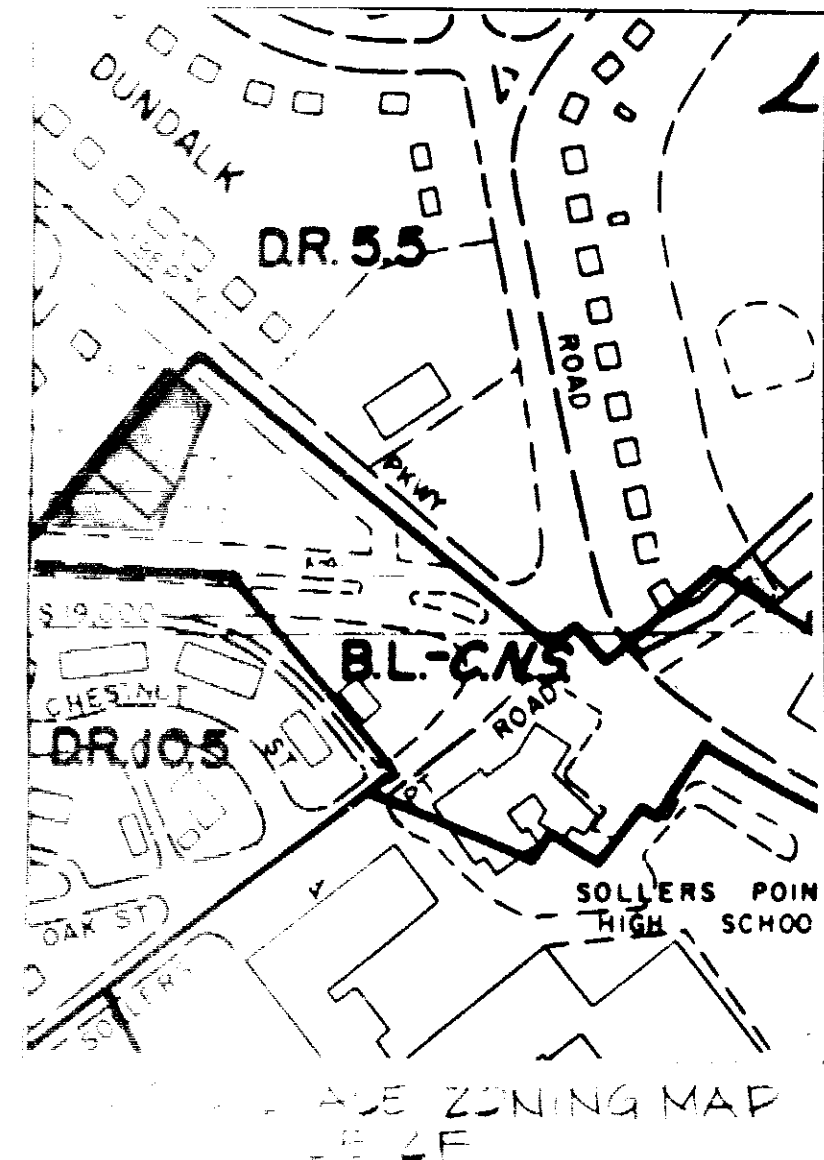
APPROVED: Frank C. Rober Jr., Administrative Officer
SPX/SC

William J. Paroni
(owner)

My name is Henry Brown
and I live at 2604 Oakfield Rd
I have taken my car to Will's
Wash and Shine Co. I was very
pleased with the professionalism
of the Company. The property was
well maintained. There were
no drugs or alcohol on the
premises. They handled me very
courteously and did a wonderful
job on my car. The Company
is an asset to the community.

My name is William Glass
and I live at 102 Cherry Lane
I have taken my car to Bill's
Wash and Shine Co. I was very
pleased with the professionalism
of the Company. The property was
well-maintained. There were
no drugs or alcohol on the
premises. They handled me very
courteously and did a wonderful
job on my car. The Company
is an asset to the community.

[illegible]



LOCATION MAP 1"=100'

GENERAL NOTES

1. ERECT DET "12"
2. CONFORMANCE WITH "7"
3. EX USE AS - HOVN
4. HOUR OF OPERATION
TAM TO 5 PM MON. THRU FRI.
YAT T 4 PM SAT
5. NO OF EMPLOYEES 1 FULLTIME
1 PARTTIME
6. EXIST ZONING PL CND
7. PARKING - 12 SP
8. EXIST SIGN BASE
9. EXIST SIGN BASE
10. EXIST SIGN BASE
11. EXIST SIGN BASE
12. EXIST SIGN BASE

PLAT TO ACCOMPANY A
PETITION FOR A SPECIAL
EXCEPTION FOR A CAR WASH
PER B.C.Z.R. SECT. 230.13

WILL'S WASH AND SHINE
Expert Detailing



3478 Liberty Parkway

(Dundalk Avenue At Liberty Parkway Towards Waters Edge)

WILLIAM J. PANONI

Owner

DATE: 1/14/93

Phone: (410) 284-2633

SHEET 1 OF 2

PETITIONER'S
EXHIBIT 2/1

93-228-X

NOTE: THE BUILDING & PARKING
LOT HAVE BEEN IN
EXISTENCE AS SHOWN
SINCE 1965 TO PERMIT
565-65

3478 SITE PLAN

SCALE 1"=30'

NOTE:
THIS SECTION
REFERS TO A WAITING
LINE OR ASSEMBLY
LINE OPERATION
WHICH WILL NOT
EXIST ON THIS SITE

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 525-8120

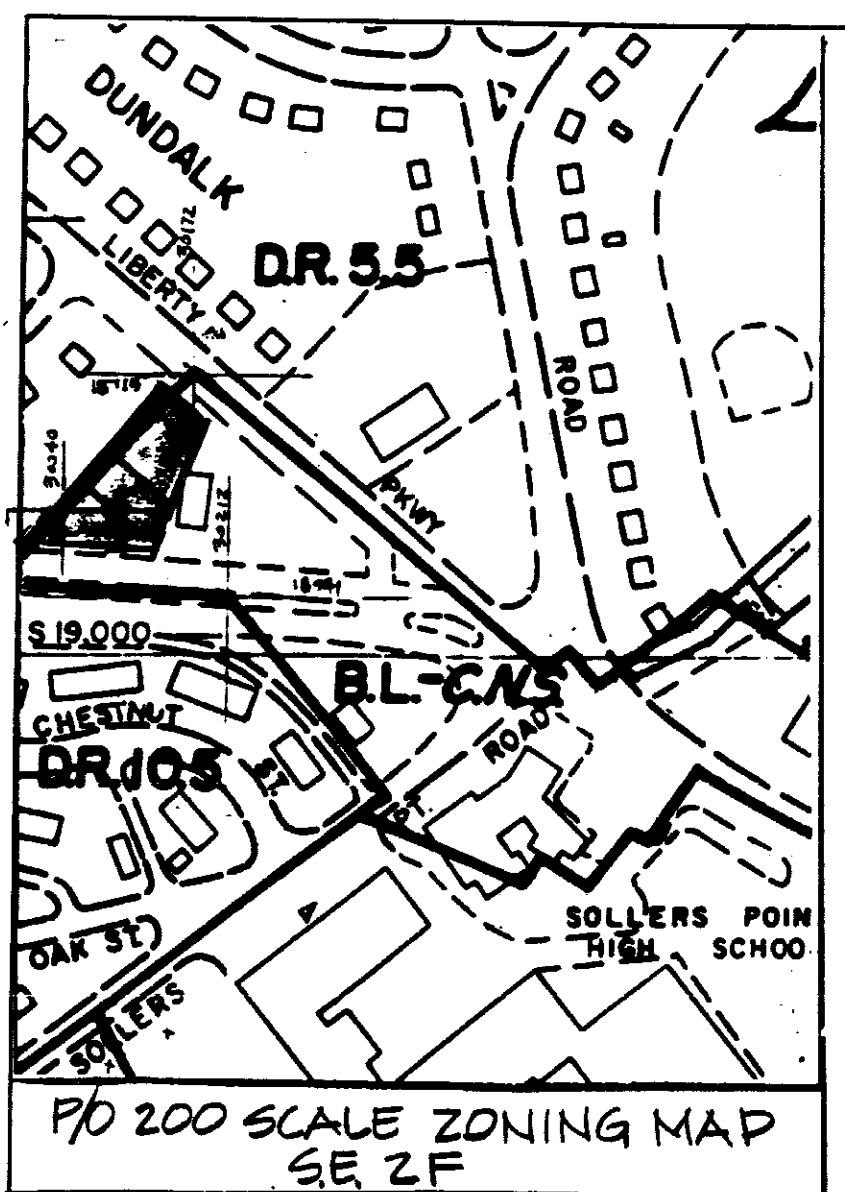
PROPERTY OWNER

FREDERICK RADTKE

3200 E. LOMBARD ST.

BALTIMORE, MD 21222

PHONE: 522-4143



93-228-X

